



Letter for Judge Patrick Flatley

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james_voithofer@wvnb.uscourts.gov

01/30/2017 03:30 PM

Cc: "Gunnoe, Andrew"

1 attachment



ltr Judge Flatley re Tara Retail Group.pdf

Attached you will find a letter for Judge Flatley from Kanawha County Commissioner Kent Carper regarding the recent bankruptcy filing for Tara Retail Group.

If you should have any questions please let me know.

Thank you

Jennifer Elkins
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KANAWHA COUNTY COMMISSION

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Henry C. Shores
Commissioner

W. Kent Carper
Commissioner

Dave Hardy
Commissioner

January 27, 2017

The Honorable Patrick M. Flatley
Judge, United States Bankruptcy Court
Northern District of West Virginia
P.O. Box 70
Wheeling, WV 26003

RE: Case 1:17-bk-00057
Request for action to expedite construction
on the new bridge at the Crossings Mall in
Elkview, WV

Dear Judge Flatley:

The Kanawha County Commission is aware that Tara Retail Group, owner of the Crossings Mall Property situated in Kanawha County, WV, filed bankruptcy in the Northern District of West Virginia. The Crossings Mall shopping center has been virtually inaccessible since a June 23rd, 2016 flood event destroyed the bridge access to the property.

Tara Retail Group is presently a defendant in Case No. 2:16-cv-09232 pending before Judge Johnston in the United States District Court for the Southern District of West Virginia. Ultimately, due to an unreasonable lack of action by Tara Retail Group to rebuild the bridge and restore safe access to the property, Judge Johnston appointed a receiver to manage the property and begin the bridge construction process.

The recent bankruptcy filing by Tara Retail Group, including the timing thereof mere minutes before a noticed trustee sale, is simply the latest dilatory practice aimed at slowing construction of the bridge at the Crossing Mall property. As such, I write this letter on behalf of the Kanawha County Commission, and the citizens of Kanawha County, respectfully requesting that the Bankruptcy Court consider any and all actions at its disposal to expedite the restoration of access to the Crossings Mall property. To that end, the Kanawha County Commission would support a request to grant emergency stay relief in this case.



Page 2
January 24, 2017

I recognize that the Court has access to the record and transcripts from the case pending before Judge Johnston. The Kanawha County Commission was not a party to that action, and I ask that you please allow me the opportunity to convey the County's chief concerns as they pertain to the Crossings Mall property.

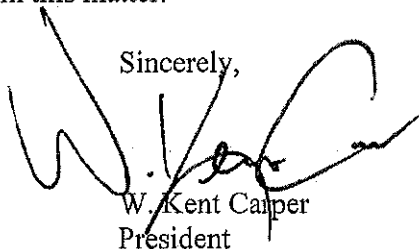
In its present state, the Crossings property, owned by Tara Retail Group, is a public nuisance that presents real threats to public safety and to the well-being of the community. Firefighters are unable to safely access the property in the event of a fire, as there is no route for large trucks or fire suppression equipment to reach the structures at Crossings. The lack of adequate fire suppression is especially concerning as there are two service stations with large underground gasoline tanks located at the site. In addition, paramedics, law enforcement, and volunteer firemen do not have safe access for 911 response and to render aid in the event of a medical emergency. Consider that numerous tenants visit the property daily (often walking or hiking into the property) to maintain and secure their stores and businesses. Clearly the health and well-being of these tenants is at risk. Finally, the first responders that do respond to Crossings are now at high risk for injury, or worse, as they are forced to use unconventional means to gain access to those in need of aid.

In addition to the threats to public safety, the tenants and the Elk River community have suffered great economic loss. The Crossings Mall is the primary retail center for this area of Kanawha County. As many as five hundred employees are out of work and in danger of being permanently displaced. It is clear that lack of action by the property owner have caused families and business to suffer irreparable harm.

The bridge simply must be rebuilt. Therefore, the purpose of this letter is to officially convey the Kanawha County Commission's vigorous support of any and all actions by the Court to expedite the restoration of access to the Crossings Mall property, including an emergency stay of the bankruptcy filing by Tara Retail Group.

Thank you for your valuable time and for consideration of this letter. Please contact me if Kanawha County can be of any assistance in this matter.

Sincerely,



W. Kent Carper
President

cc: Christopher P. Schueller, attorney U.S. Bank

Honorable Tim Armstead, Speaker of the House of Delegates, West Virginia Legislature,
District 40